

REMARKS

State of the Claims

Claim 1-8 are pending. Amendments have been made to Claim 1 which are fully supported by the specification. No new matter has been added.

35 U.S.C. § 112, Second Paragraph, Rejection

Claims 1-8 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as their invention.

In particular, the Examiner states that Claim 1 is indefinite and incomplete because “it fails to recite a positive manipulative step of forming a snack chip having raised surface features”. The Examiner also states that Claim 1 is indefinite and incomplete since it fails to clearly point out that the snack chip is made by frying a dough piece comprising a pre-cooked starch-based material and a pregelatinized starch with at least one molding surface. Lastly, the Examiner notes that there is no antecedent basis for the term “the snack piece” recited in Claim 1 in the last line thereof--the Examiner states that it is not clear what is intended by the term “the snack piece.”

Applicants respectfully disagree with the Examiner’s rationales for rejection of their claims under 35 U.S.C. § 112, second paragraph. First, Applicants assert that they in fact do recite a “positive manipulative step” for forming their snack chip. This positive step is frying, and frying is clearly recited in Claim 1. Applicants’ specification notes the following:

Surface bubbles form due to a balance of simultaneous forces that include a rapid evolution of steam volume coupled with limited interstitial channels to transport the steam and localized gelatinization of the dough piece surface. A rapid evolution of steam from the constant rate period of moisture loss during **frying** momentarily overwhelms the diffusion capacity of the dough causing the steam to remain briefly trapped. When the steam comes in contact with a gelatinized dough region of sufficient tensile strength, a surface bubble is formed.¹ [Emphasis added.]

As is clearly shown by the above section of Applicants’ specification, frying is the mechanism by which Applicants’ surface bubbles are formed. Regardless, Applicants have amended Claim 1 to reflect that the frying step actuates the formation of surface features. Support for this amendment can be found in the specification at page 4, lines 1-8. No new matter has been added. Thus,

¹ Applicants’ Specification, page 4, lines 1-8.

Applicants believe that this portion of the Examiner's rejection of Claims 1-8 under 35 U.S.C. § 112, second paragraph, is improper.

Applicants have also amended Claim 1 to address the Examiner's concerns regarding several missing elements; e.g., gelatinized regions in the dough, etc. Support for the amendments can be found on page 4, lines 1-8 of the specification. No new matter has been added.

Lastly, Applicants have amended Claim 1 to remove the antecedent basis issue pointed out by the Examiner. The term "snack piece" has been changed to the term "snack chip". No new matter has been added.

Applicants therefore believe that their Claims 1-8 are now patentable over the Examiner's 35 U.S.C. § 112, second paragraph, rejection and respectfully request reconsideration and allowance thereof.

SUMMARY

The rejection in the Office Action has been discussed and, Applicants believe, the proper amendments have been set forth to address the rejection.

In light of both the amendments and the discussions contained herein, Applicants respectfully request reconsideration of the rejection and its withdrawal.

Issuance of a Notice of Allowance at an early date is earnestly solicited.

Respectfully submitted,

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